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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,805	04/15/2004	Viktors Berstis	AUS920040053US1	6684

7590

12/21/2005

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EXAMINER

HERRERA, DIEGO D

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/824,805

Applicant(s)

BERSTIS ET AL.

Examiner

Diego Herrera

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/15/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-11, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (U.S. Patent Application Publication # 2004/0081293 A1).

1. Regarding claim 1, Brown et al. discloses and shows a method for processing a teleconference (Title, Abstract), said method comprising:

- a. Connecting a plurality of participants together in a teleconference  
(Abstract, Fig. 1, Paragraph [0013], Brown et al. teaches establishing connections between a plural number of the plurality of mobile phones to the conference call);
- b. Detecting when a first participant of said participants has become disconnected from said teleconference (Paragraph [0073], [0074] Brown et al. teaches detecting means in which the said user is disconnected and the system is able to determine whether is been dropped or intentional if call is dropped the system reconnects said user to teleconference);
- c. Making a recording of teleconference content while said first participant is disconnected from said teleconference (Paragraph [0013], Brown et al.

teaches the recording system in a conference call in progress or after the conference has ended, also, Paragraph [0074] there is an example of when a phone call is dropped and how the system is able to record the part when the caller was disconnected unexpectedly).

2. Consider claim 2, and as applied to claim 1 above, Brown et al. discloses and shows further including making said recording available to said first participant when said first participant is re-connected to said teleconference (Paragraph [0074] & [0089], Brown et al. teaches reconnection access to recording of missed portion due to disconnection).
3. Consider claim 3, and as applied to claim 1 above, Brown et al. discloses wherein said teleconference is an audio teleconference (Paragraph [0014], Brown et al. teaches the different capable formats of recording such as audio or text or both).
4. Consider claim 4, and as applied to claim 3 above, Brown et al. discloses wherein said first participant is using a cell phone (Paragraph [0013], Brown teaches the use of different systems to connect to the conference call and one of those systems used by the users is a mobile or cell system).
5. Consider claims 6 & 7, and as applied to claim 1 above, Brown et al. shows and discloses wherein said participants are connected through a telephone company to a teleconference center, said recording being made by said telephone company (Fig. 2, Paragraphs [0013]-[0014], [0075] & [0079], Brown teaches that

there is a system, telephony recording system, PTR, as the system is used to record and control access to the recorded teleconferenced conversation).

6. Consider claim 8, and as applied to claim 1 above, Brown et al. discloses further including said first participant sending a connection signal while said first participant is connected to said teleconference, said detecting being accomplished by detecting a loss of said connection signal (Paragraph [0073], Brown et al. teaches where one of the participants call is dropped the others know about the dropped call through the system, hence, detecting means of a disconnect. Then the system provides re-connection and is able to play from memory the part that the caller missed).
7. Consider claim 9, and as applied to claim 8 above, Brown et al. discloses wherein said connection signal is a non-audible signal (Paragraphs [0075] - [0077], Brown et al. teaches, where the different devices used to communicate use different means of connecting to the teleconference and in most of the case is through non-audible means).
8. Consider claim 10, and as applied to claim 1 above, Brown et al. discloses further including playing pre-recorded messages into said teleconference content upon an occurrence of predetermined events associated with said pre-recorded messages (Fig. 6, Paragraphs [0099] - [0101], Brown et al. teaches a pre-recorded messages and options used by participants to review content of teleconference conversation).

9. Consider claim 11, and as applied to claim 10 above, Brown et al. discloses and shows wherein one of said pre-recorded messages announces a disconnection of said first participant when said first participant becomes disconnected from said teleconference (Paragraph [0084] & [0086], Brown et al. teaches the notification to other participants of another participants disconnection).
10. Consider claim 12, and as applied to claim 11 above, Brown et al. discloses and shows wherein said reconnection message announces a re-connection of said first participant to said teleconference in real time (Fig. 40, paragraph [0235] & [0238], Brown et al. teaches the choice of reviewing the missed portion of the teleconference or rejoining the teleconference in real time).
11. Consider claim 13, and as applied to claim 11 above, Brown et al. discloses wherein one of said pre-recorded messages announces a re-connection of said first participant to an incoming line to said teleconference and is currently playing back said recording of content missed while said first participant was disconnected from said teleconference (Paragraphs [0084], [0086], & [0099], Brown et al. explains the system protocol when the participant is disconnected from teleconference and when the participant rejoins the teleconference and reviews missed information).
12. Consider claim 14, and as applied to claim 13 above, Brown et al. discloses further including enabling one of said plurality of participants to selectively re-connect said first participant to said real time teleconference (Paragraphs [0132] – [0134], Brown teaches the said participants are able to be added to

teleconference real time until there is no more participants to add to the teleconference system).

13. Consider claim 15, and as applied to claim 1 above, Brown et al. discloses and shows further including a selective playing of said recording in one or more playback speeds (Fig. 28, 40, & 46; paragraph [0171], Brown et al. teaches the use of forward or reverse and also as shown the use of mining data for specific information where the words or phrases are search for at a fast speed, hence the different speeds of playing missed information).
14. Consider claim 16, and as applied to claim 1 above, Brown et al. discloses further including displaying indicia representative of progress of playing back said recording relative to total time of said recording (Paragraph [0097] - [0099], Brown et al. teaches tracking means for when someone talked and when someone was disconnected. And also bookmarks that are used to mark at a certain place in time where an important part of the conference is of interest).
15. Consider claim 17, and as applied to claim 1 above, Brown et al. discloses and shows wherein said teleconference is an audio teleconference and said first participant is using a telephone to connect to said teleconference (Figures 1, 4, and 7A-B; Paragraph [0075], Brown et al. describes the use of different modes of communication in a teleconference call, one being a telephone as described and shown in the figures), said method further including:
  - a. Saving caller identification and teleconference information in memory within said telephone used by said first participant upon connecting to said

teleconference (Paragraph [0074], Brown et al. teaches recording means and logging in procedures for participant to access from beginning to even after the call conference has passed for further use of services); and

- b. Accessing said caller identification and teleconference information from said first participant's telephone in re-connecting said first participant to said teleconference after said first participant has become disconnected from said teleconference (Paragraph [0073], Brown et al. teaches that when said participant reconnects to teleconference, the participant is able to access the information that the participant has missed due to dropped call).

16. Regarding claim 18-20, Brown et al. discloses and shows a teleconferencing system (Fig. 7A & 7B, Paragraphs [0103] & [0104], Brown et al. teaches the different system used for teleconferencing but is not limited to mentioned paragraphs & figures) comprising:

- a. A teleconference center for processing a plurality of interconnected participants (Fig. 1, 7A, 7B, and 4; Paragraph [0013] - [0014], Taught by Brown et al. multiple users being involve in a teleconference where there is a system performing the connections between the participants and other functions);
- b. A telephone company equipment center including a telephone switching system for connecting said participants to said teleconference center



(Paragraph [0079], Brown et al. teaches the inclusion of a switching system for connecting participants);

- c. Detecting means for detecting when a first participant of said participants has become disconnected from said teleconference center (Paragraph [0073], [0084], & [0089], Brown et al. teaches detecting means where participants who is disconnected is marked);
- d. Recording means for making a recording of teleconference content while said first participant is disconnected from said teleconference (Paragraph [0099], Brown et al. teaches the process of recording means for recording when a participant has disconnected from teleconference and reconnected to the teleconference said information is provided to dropped line participant).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 5, is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (U.S. Patent Application Publication # 2004/0081293 A1), in view of Ludwig et al. (U.S. Patent # 5,978,835).

17. Consider claim 5, and as applied to claim 1 above, Brown et al. does not disclose or shows wherein said teleconference is a video teleconference, however, Ludwig et al. teaches a multimedia mail, conference recording and documents in video conference (Title, abstract, col. 3, lines: 6-15, Ludwig et al teaches the process of data audio and video in a teleconference).
18. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of Brown et al. to include a video teleconference for said teleconference call as taught by Ludwig et al. for the purposes of enhancing collaboration between and among individuals who are separated by distance and/or time (col. 1, lines: 14-16).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following is a list considered pertinent prior art:

- Brown et al. (U.S. Patent Application Publication # 2004/0083101 A1), "System and method for data mining of contextual conversations".
- Ludwig et al. (U.S. Patent Application Publication # 6,789,105 B2), "Multiple-editor Authoring of multimedia documents including real-time video and time-insensitive media".
- Malik et al. (U.S. Patent Application Publication # 2003/0065776 A1), "Method and systems for a communications and information resource manager".
- Ludwig et al. (U.S. Patent # 5,617,539), "Multimedia collaboration system with separate data network and a/v network controlled by information transmitting on the data network".
- Ludwig et al. (U.S. Patent # 5,978,835), "Multimedia mail, conference recording and documents in video conferencing".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday, 7AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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